

No. PD-1300-16

TO THE COURT OF CRIMINAL APPEALS OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
3/27/2017
ABEL ACOSTA, CLERK

The State of Texas,
Appellant

v.

ELVIS RAMIREZ-TAMAYO,
Appellee

MOTION TO EXTEND TIME TO FILE RESPONDENT'S BRIEF

From the Seventh Court of Appeals, No. 07-15-00419-CR, Cause No. 69,523-E from the 108th District Court of Potter County, Texas.

On November 9, 2015, Respondent argued a Motion to Suppress evidence of marijuana found in his vehicle as a result of a traffic stop. The Court denied Appellant's Motion to Suppress. Respondent on the same day entered a plea of guilty. The Court sentenced Respondent to four years in the Texas Department of Corrections, Institutional Division, with a suspended sentence.

Respondent perfected this appeal by Notice of Appeal filed November 10, 2015. On October 5, 2016, the Seventh Court Appeals ruled for respondent and remanded to the trial court for further proceedings. The State Prosecuting Attorney stepped in and filed a Petition for Discretionary Review on November 4, 2016. Respondent filed his response on November 22, 2016. This Court granted the PDR on January 25, 2017. The SPA filed its brief on February 24, 2017.

Respondent's brief is currently due March 27, 2017. Respondent's attorney is going to be unable to have respondent's brief completed by the March 27, 2017 deadline.

Respondent's attorney requests a 30 day extension of time to file his response brief. This is the first extension requested by appellant. Appellant's attorney has contacted the State's attorney regarding this extension via email.

ON THESE PREMISES, Appellant prays that the time for filing the brief be extended until April 27, 2017.

Respectfully submitted,

/s/ STEVEN M. DENNY

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Attorney for Respondent

CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing Respondent's First Motion to Extend time to file the brief has been delivered via e-service or email to the 47th District Attorney's Office and the SPA's office on this the 27 day of March, 2017.

/s/Steven M. Denny

Steven M. Denny